# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/749,495 | 12/31/2003 | Yun-Nam Jang | 51876P577 | 1220 |

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| EXAMINER |
|---|
| NGUYEN, KHAI MINH |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2617 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 03/06/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/749,495 | JANG, YUN-NAM |
| | **Examiner** | **Art Unit** | |
| | Khai M. Nguyen | 2617 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *30 January 2007*.

2a)☐ This action is **FINAL**.     2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-4* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

1.      Applicant's arguments with respect to claims 1-4 have been considered but are

moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.      Determining the scope and contents of the prior art.
2.      Ascertaining the differences between the prior art and the claims at issue.
3.      Resolving the level of ordinary skill in the pertinent art.
4.      Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata

et al. (U.S.Pub-20030056222) in view of Son et al. (U.S.Pub-20030067886).

Regarding claim 1, Iwata teaches an apparatus, comprising:

a mobile terminal having a time shift function (fig.2, client 10, [0014]), the mobile

terminal including:

a keypad input unit for receiving the a time shift selection signal ([0014] and

[0017]);

a memory unit for storing the multimedia data (fig.2, storage unit 105, [0014] and [0017]);

a transceiver unit for receiving the multimedia data through a wireless channel ([0087] and [0251]);

a control unit for controlling the memory unit to store the multimedia data by in response to receiving the time shift function selection signal ([0017] and [0071]) and to output the multimedia data stored in the memory unit after passing a predetermined length of time (not show); and

a display unit for receiving the multimedia data and displaying the multimedia data ([0073]-[0074]).

Iwata fails to specifically disclose output the multimedia data stored in the memory unit after passing a predetermined length of time. However, Son teaches output the multimedia data stored in the memory unit after passing a predetermined length of time ([0006]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Son to Iwata to capable of selectively editing and storing a part of a program.

Regarding claim 2, Iwata and Son further teach the mobile terminal as recited in claim 1, wherein the predetermined length of time is set by a user through the key pad input unit (see Son, [0006]).

Regarding claim 3, Iwata teaches a method implementing a time shift function in a mobile terminal (fig.2, client 10, [0014]), the implementing includes:

receiving a time shift function selection signal ([0014] and [0017]);

storing received multimedia in a memory unit in response to the time shift

function selection signal data (fig.2, storage unit 105, [0014] and [0017]);

determining whether a predetermined length of time is exceeded (not show) and

performing the storing if the predetermined time is not exceeded ([0014] and [0017]);

and

if the predetermined time is exceeded (not show), outputting the stored

multimedia data through a display unit ([0073]-[0074])

Iwata fails to specifically disclose if the predetermined time is exceeded.

However, Son teaches if the predetermined time is exceeded ([0006]), outputting the

stored multimedia data through a display unit. Therefore, it would have been obvious to

one having ordinary skill in the art at the time the invention was made to apply the

teaching of Son to Iwata to capable of selectively editing and storing a part of a

program.

Regarding claim 4, Iwata and Son further teach the method as recited in claim 3,

wherein the predetermined length of time is set by a user through a keypad input unit

(see Son, [0006]).

### Conclusion

3.      Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Khai M. Nguyen whose telephone number is

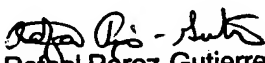571.272.7923.  The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rafael Perez-Gutierrez can be reached on 571.272.7915. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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2/4/2008

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2/19/08